

CHAPTER 20C. MARTIN LUTHER KING, JR. LANDMARK DISTRICT

Sec. 16-20C.001. Statement of intent.

- (1) To preserve the environmental character and physical appearance of the area, including residential, commercial and institutional structures built from the late 19th Century to the present; to preserve the existing spatial relationships where significant; and to ensure that any new development within the Landmark District is compatible with the present architectural and spatial attributes that prevail.
- (2) To encourage the preservation of the Martin Luther King, Jr. Landmark District in such a way as to reflect and reinforce the historic neighborhood character and the unique historical relationship between the surrounding residential uses and the commercial uses, and the unique historical relationship between the commercial uses and the rest of the city.
- (3) To ensure that redevelopment and rehabilitation of the district as a whole will contribute to and enhance the particular significance of the area in which one of Atlanta's most renowned citizens, Martin Luther King, Jr., was born and grew to international prominence; and to further ensure that those individual buildings of particular significance to the life and legacy of Martin Luther King, Jr. will be preserved and enhanced by all proposed development within the Landmark District.

Sec. 16-20C.002. Division into subareas.

- (1) The Martin Luther King, Jr. Landmark District is divided into subareas for the purpose of designating special areas of like characteristics with regulations appropriate to preservation, restoration, rehabilitation or redevelopment treatment.
 - a. Auburn Avenue Residential District Subarea 1.
 - b. Residential District Subarea 2.
 - c. Institutional District Subarea 3.
 - d. Auburn Commercial Corridor Subarea 4.
 - e. Edgewood Commercial Corridor Subarea 5.
 - f. Transitional zone Subarea 6.
- (2) The boundaries of the different subareas within the district are delineated on the accompanying map entitled "Martin Luther King, Jr. Landmark District."

Sec. 16-20C.003. General regulations.

The following regulations shall apply to the entire Landmark District inclusive of all subareas. All rehabilitation, restoration or new construction shall require a certificate of appropriateness from the Atlanta Urban Design Commission (AUDC). All proposed development shall conform to the following regulations:

- (1) Regulations shall be minimum standards which must be followed and shall be applied by the AUDC.
- (2) The AUDC shall further adopt and maintain guidelines that shall extend the intent of these regulations, further define elements of architectural style, and shall further ensure the compatibility of future developments within this HC district.
- (3) The power to hear, grant or deny variances and special exceptions from these regulations shall rest with the AUDC.

- (4) *Procedure for variance:* Upon a determination by the AUDC that an application for renovation or new construction is in conflict with these regulations and/or the guidelines, the AUDC shall institute procedures for public notification and public hearing as are specified similarly for the board of zoning adjustment (section 16-26.001). Notification shall include any government or nonprofit institution which has legitimate interest in the historic integrity of this Landmark District.
- (5) *The compatibility rule:* In general the intent of the regulations and guidelines is to ensure that alterations to existing structures and new construction are compatible with the design, scale and general character of the entire district, of each subarea, and of the immediately adjacent environment of a particular block. To further that intent and simultaneously retain flexibility, the regulations provide a "compatibility rule" which is:

The element in question (roof form, architectural trim, building setback, etc.) shall match that which predominates on that block; or where quantifiable (i.e. building height, setback, etc.), the average of all structures of like use in that block shall be adhered to. The rule shall apply as it is noted in these regulations and guidelines by reference to the "compatibility rule."

- (6) *Nonconforming uses:* All regulations contained in this section are to be applied to permitted uses in each subarea only. Any alteration or addition to nonconforming uses, as well as to all nonresidential uses in Subareas 1 and 2, shall be subject to design review by the AUDC.
- (7) *Variance on economic hardship:* The regulations contained in this section set a minimum standard of architectural compatibility with the rest of the district. However, in order to comply with other equally important objectives in the M.L. King Landmark District, such as economic development, neighborhood revitalization, and prevention of potential displacement of residents, every effort will be made to allow reasonable variance from the regulations on grounds of economic hardship to the property owner and the displacement of area residents. The burden of proof that the regulations pose such a hardship shall be on the property owner.

Variance from these regulations and additional architectural guidelines may be granted upon conditions as stipulated in section 16-20.009(7) of this part or upon the following determinations:

- a. Compliance with the Landmark regulations or guidelines would result in displacement of area residents and undermine the socio-economic character of the community. It shall be the responsibility of the property owner to provide the AUDC with all appropriate information as to how all proposed new development will affect area residents.
 - b. Compliance with these regulations would hinder rehabilitation by placing an economic hardship upon the property owner, based on his/her costs for materials and workmanship, as determined by the AUDC.
 - c. In the event that the goals of items (a) and (b) above are in conflict, item (a) shall take precedence.
- (8) *Secretary's guidelines:* In addition to specific standards listed herein, the Secretary of the Interior's Standards for Historic Preservation Projects Part 1 shall be a part of these regulations and shall be applied by the AUDC.
- (9) *Multiple lots:* Several lots combined for the purpose of a single project, in keeping with the permitted uses in this part, shall be permitted so long as the project maintains the intent and spirit of these regulations. Such a determination shall be made through the process of design review by the AUDC.
- (10) *Lot divisions:* The division of separate lots is subject to administrative approval provided for in the subdivision regulations of the City of Atlanta [part 15 of this Code].
- (11) *Off-street parking:*

- a. Off-street parking shall not be permitted in the front yard of a lot used for residential purposes.
- b. Off-street parking shall be permitted in the side and/or rear yard of a lot used for residential purposes.
- c. Carports or garages shall be permitted if detached from and located to the rear of the main residential structure. If said structure is located on a corner lot, the front yard setback for that side street shall apply to the construction of a carport or garage.
- d. Off-street parking shall not be permitted on vacant lots, except that one (1) adjacent lot owned by the resident occupant may be used to park up to two (2) owner's vehicles in operable condition provided such parking does fall within the established front, side or rear yard setback.
- e. Off-site parking, grouped or other, may be permitted through a certificate of appropriateness in Subareas 3, 4 and 5.

(12) *Demolition or moving of existing buildings:*

- a. All buildings in the Landmark District shall be subject to the provisions for demolition or moving of existing structures as defined in section 16-20.007(3) of this part. However, moving a building is acceptable only as a last resort to demolition.
- b. It shall be allowable to move a structure from outside the Landmark District to a vacant site within the Landmark District if the structure is compatible in use and historic building style with surrounding structures in the district. The structure shall also reflect and reinforce the character of the historic district. The determination of compatibility shall be made along with proposed site plan review by the AUDC. Relocation shall not be considered preferable to new development, but shall be allowable upon determination by the AUDC that the proposed relocation can better serve the overall revitalization effort and general historic compatibility.

(13) *Accessory structures:* The design of all accessory structures as defined by this part shall be subject to design by the AUDC.

(14) Repealed.

(15) *Building facades, roofs, and other elements visible from the street right-of-way:*

- a. Alteration and addition to building facades, roofs, porches, foundations and other exterior elements shall conform to these regulations and to the guidelines adopted and applied by the AUDC.

(16) *Streetscape:* Alteration to the streetscape, such as facade changes or the addition of planters, trash containers, street lighting, and similar elements, shall require a certificate of appropriateness by the AUDC.

(17) *Gross lot area, how calculated:* On residential lots of less than 10,000 square feet, the calculation of the gross lot area shall be limited to the net lot area plus half the permanent open space (to a maximum of 50 feet) adjoining the lot's narrowest street frontage only.

(18) *Parking structures and surface parking lots; parking attendants, security, maintenance, landscaping and barrier requirements:* In that part of the Martin Luther King, Jr. Landmark District lying and being west of the I-75/85 Interstate Highway, the provisions of sections 16-18A.012 and 16-18A.013 shall be applied to existing primary or accessory parking structures and surface parking lots and shall control the development of any new primary or accessory parking structures and surface parking lots where said structures and surface parking lots are permitted within the Martin Luther King, Jr. Landmark District. Said controls shall be applicable without regard to the designated subarea and shall be administered and enforced by the urban design commission in accordance with such procedures as are established in section 16, chapter 20 generally; provided, however, that properties identified as being within Subarea 6 shall remain governed by the regulations provided for in section 16-20C.009.

Sec. 16-20C.004. Auburn Avenue Residential District Subarea 1.

In addition to the general regulations required in section 16-20C.003, the following regulations shall apply to new development, rehabilitation, and the conversion of existing structures to permitted uses with the Auburn Avenue Residential subarea.

These regulations are intended to preserve the historic residential character of this subarea and encourage reuse of existing structures in a manner consistent with the history and integrity of the subarea and to assure that any other use which may be permitted for preservation purposes be compatible with the historic nature of this portion of Auburn Avenue.

The preservation and restoration of the Auburn Avenue Residential District are considered of key importance due to the location of the King birth home in this subarea.

(1) *Permitted principal uses:*

- a. Single-family dwellings.
- b. Two-family dwellings.
- c. Three- or four-unit apartment buildings.
- d. Apartment buildings with over four (4) units shall be granted a certificate of appropriateness by the AUDC upon its finding that such use can be shown to have previously existed on the proposed site and that such proposed use will be of a scale and type to be architecturally compatible within the Landmark District.
- e. Nonresidential uses shall be granted a certificate of appropriateness by the AUDC upon its finding that such use can be shown to have previously existed on the proposed site and that such proposed use will be of a scale and type to be architecturally compatible within the Landmark District.

(2) *Permitted accessory uses and structures:* Uses and structures are permitted which are customarily incidental and subordinate to permitted uses and structures. These include but are not limited to the following, subject to limitations and requirements set forth in this chapter or elsewhere in this part:

- a. Accessory buildings and uses shall be permitted as specified in section 16-07.004 for single-family, two-family and multiple-family property.
- b. Such structures shall be located to the rear of the principal structure and not within a required side or rear yard yards as required in section 16-07.008 (minimum yard requirements).

(3) *Area regulations; subdivision of lots:*

- a. For those lots within the subarea, fronting along the northern side of Auburn Avenue or the southern side of Old Wheat Street, the minimum lot area shall be 5300 square feet.
- b. For those lots within this subarea, fronting along the south side of Auburn Avenue, the minimum lot area shall be 10,000 square feet.

(4) *Lot coverage:* The compatibility rule shall apply for the purposes of determining permitted lot coverage. An average lot coverage shall be determined for each area described in paragraph (3) above.

(5) *Minimum yard requirements:* The compatibility rule shall apply as established for each residential use type; however, a minimum setback for all side and rear yards shall be established at seven (7) feet.

- (6) *Maximum height:* Height of any alteration, addition, or new construction shall be established on a block-by-block basis through the compatibility rule. A variance of 10 percent may be permitted for new construction unless the AUDC shall determine that strict compatibility for roof heights and slopes is necessary.
- (7) *Landscaping criteria:*
 - a. A certificate of appropriateness shall be required for any alteration to existing sidewalks or driveways, removal of trees with a caliper of four (4) inches or greater, or the removal of shrub massings or hedges over three (3) feet in height.
 - b. Major site renovation or alteration of front yard gardens or other planting visible from the street R.O.W. shall require a certificate of appropriateness by the AUDC.
 - c. All trees with a caliper of four (4) inches or greater as measured four (4) feet above the ground, outside of the building site, which are cleared for any reason other than legal/authorized removal, shall be replaced with trees having a minimum caliper of two and one-half (2 1/2) inches.
- (8) *Fences and walls:* Fences and walls are not permitted in front yards or where otherwise visible to public view as determined by the AUDC.

Sec. 16-20C.005. Residential District Subarea 2.

In addition to the general regulations required in section 16-20C.003, the following regulations shall apply to any new development, rehabilitation or the conversion of any existing structures to permitted uses within the residential district subarea.

These regulations are intended to preserve the character and scale of the residential environment as it existed during the historic period of the Martin Luther King, Jr. Landmark District. These regulations are intended to ensure that permitted uses will maintain the historic integrity of the subarea and the district as a whole.

- (1) *Permitted principal uses:*
 - a. Single-family dwellings compatible as to architectural style and scale with the overall character of the subarea, as determined by the AUDC.
 - b. Two-family dwellings compatible as to architectural style and scale with the overall character of the subarea as determined by the AUDC.
 - c. Three- or four-unit dwellings compatible as to architectural style and scale with the overall character of the subarea as determined by the AUDC. Floor area ratios shall not exceed sector 3 as indicated on Table I "Land Use Intensity Ratios." (See section 16-08.007)
 - d. Churches, synagogues or temples on sites of one (1) acre or more.

Any existing multifamily housing developments or nonresidential uses not of the style and scale established in these regulations shall be considered an intrusion and shall be subject to all of the requirements for nonconformities in chapter 24 of this part.

- (2) *Permitted accessory uses and structures:*
 - a. Greenhouses, garden sheds, private garages and similar structures.
 - b. Home occupations.
 - c. Devices for the generation of energy such as solar panels, and similar structures.

- d. All accessory structures shall be located to the rear of the principal structure and not within any required side or rear yard.

(3) *Development controls:*

- a. All front, side and rear yard setbacks shall be established through utilization of the compatibility rule on block-by-block basis. A variance of five (5) percent may be allowed. All new construction shall maintain a minimum of seven (7) feet for side yard setback and 10 feet for rear yard setbacks where the compatibility rule would permit otherwise.
- b. *Maximum height:* The compatibility rule shall apply with variance up to 10 percent permitted.
- c. *Fences and walls:* Walls other than retaining walls shall not be allowed in the front yard of any structure, and fencing shall be permitted only to a height of four (4) feet. All fencing and walls shall require a certificate of appropriateness by the AUDC and shall conform to the provisions for walls and fences in chapter 28 of this part (section 16-28.008 for (R-G) districts).

Sec. 16-20C.006. Institutional District Subarea 3.

In addition to the general regulations required in section 16-20C.003, the following regulations shall apply to any new development, rehabilitation or the conversion of any existing structures to permitted uses within the institutional subarea.

These regulations are intended to preserve the character and physical appearance of the historic public and private institutional structures located in this subarea and to ensure the overall compatibility of any new construction or reuse of existing structures with historical character of the institutional subarea and the entire Martin Luther King, Jr. Landmark District.

(1) *Permitted principal uses:*

- a. Auditoriums, museums, libraries, galleries and similar cultural facilities, having a minimum lot area of at least one (1) acre.
- b. Churches, synagogues, temples and other religious worship facilities having a minimum lot area of at least one (1) acre.
- c. Clubs and lodges.
- d. Convention halls, theaters, places of assembly and similar uses, with primary activities conducted within fully enclosed buildings.
- e. Hotels and motels.
- f. Public schools or private schools having similar academic curricula and special schools for exceptional children.
- g. Single-family, two-family and multifamily residential uses.
- h. Structures and uses required for operation of MARTA or of a public utility, except uses involving storage, train yards, warehousing, switching, or maintenance shop as the primary purpose.
- i. Offices.

No wholesaling or jobbing shall be conducted from within the district.

- (2) *Permitted accessory uses and structures:* Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures, to include devices for the generation of energy such as solar panels, and similar devices. In addition, retail uses subject to the limitations set forth in section 16-20.004.
- (3) Development controls: Where historical significance of a preceding structure and use can be documented, that structure may be reconstructed and the previous use established. In other instances these requirements shall apply:
 - a. For nonresidential use, floor area shall not exceed an amount equal to 1.60 times net lot area. Residential uses shall be permitted up to the maximum ratios established for sector 3 as shown on Table I, section 16-08.007.
 - b. *Minimum yard requirements:*
 - Front:* The compatibility rule shall apply.
 - Side:* 15 feet.
 - Rear:* 25 feet.
 - c. *Maximum height limitations:* The compatibility rule shall apply with a 10 percent variance permitted. Wheat Street Towers shall be excluded for the purpose of determining the average height of buildings in this subarea.

Sec. 16-20C.007. Auburn Commercial District Subarea 4.

In addition to the general regulations required in section 16-20C.003, the following regulations shall apply to any new development, rehabilitation or the conversion of any existing structures to permitted uses with the Auburn Commercial District subarea.

These regulations are intended to preserve those commercial structures along Auburn Avenue that are architecturally compatible with the historic character of Martin Luther King, Jr. Landmark District, and to ensure that future development shall proceed in a manner compatible with the character of the subarea as a modest-scale commercial district, and also compatible with the character of the Martin Luther King, Jr. Landmark District as a whole.

- (1) *Permitted principal uses:*
 - a. Banks, savings and loan associations, and similar financial institutions.
 - b. Business or commercial schools.
 - c. Child care centers, kindergartens and special schools.
 - d. Churches, synagogues, temples and other religious worship facilities on lots of one (1) acre or more.
 - e. Clubs and lodges.
 - f. Commercial recreational establishments, including theaters, convention halls, places of assembly and similar uses, with primary activities conducted within fully enclosed buildings.
 - g. Dormitories, fraternities, sororities.
 - h. Eating and drinking establishments.
 - i. Hotels and motels, rooming houses, boardinghouses.

- j. Laundry and dry cleaning, collection stations or plants, limited to no more than 5000 square feet of floor area; laundry and dry cleaning where equipment is operated by customers.
- k. Mortuaries and funeral homes.
- l. Multifamily, two-family and single-family dwellings.
- m. Museums, galleries, auditoriums, libraries and other cultural facilities.
- n. Offices, clinics, laboratories, studios and similar uses, but not blood donor stations.
- o. Parking lots and structures.
- p. Printing and blueprinting shops.
- q. Professional or personal service establishments but not hiring halls.
- r. Offices, clinics, including veterinary if animals are kept in sound-proofed buildings, laboratories, and studios.
- s. Retail establishments, including catering establishments, delicatessens and bakeries without wholesale operations.
- t. Service stations.
- u. Structures and uses required for operations of MARTA or a public utility, but not including uses involving storage, train yards, warehousing, switching or maintenance shop as the primary purpose.
- v. Tailoring, custom dressmaking, millinery and similar establishments limited to not more than 5000 square feet in area.

No use or manner or operation shall be permitted which is obnoxious or offensive by reason of odor, smoke, noise, glare, fumes, gas, vibration, unusual danger of fire or explosion, emission of particular matter or interference with radio or television reception, or [which] for other reasons are incompatible with the character of the subarea of Landmark Districts as a whole.

- (2) *Permitted accessory uses and structures:* Uses and structures which are customarily incidental and subordinate to permitted uses and structures, to include devices for generation of energy such as solar panels and similar devices. Except as otherwise herein provided, no merchandise shall be stored other than that to be sold at retail on the premises; and no storage for such merchandise shall occupy more than 40 percent of the total floor area on the premises. No off-premises storage of such merchandise shall be permitted in the district as either a principal or accessory use.
- (3) *Special permits:* The following uses shall require a special exception to be granted by the AUDC in accordance with the provisions of chapter 25 of this part.
 - a. *Special exceptions:*
 - 1. Poolrooms, billiard parlors, amusement arcades.
 - 2. Churches, synagogues, temples and other religious worship facilities where lot area is less than one (1) acre.

- b. *Administrative permits:* Temporary commercial activities may be permitted through the procedures for administrative permits stipulated in chapter 25 of this part, except that such authority is vested with the executive director of the AUDC.

(4) *Transitional requirements:*

- a. *Transitional height planes:* Where this subarea adjoins a residential use without an intervening street, height within the district shall be limited as follows: No portion of any structure shall protrude through a height-limiting plane beginning 35 feet above the buildable area boundary nearest to the common district boundary and extending inward over this district at an angle of 45 degrees.
- b. *Transitional yards:*
 - 1. *Side yard:* Adjacent to a residential use without an intervening street, 20 feet is required which shall not be used for the purpose of parking, paving, loading, servicing or storage activity and shall be planted and maintained as a landscape buffer.
 - 2. *Rear yard:* There shall be a rear yard of 20 feet when adjacent to a residential use that shall not be used for parking, paving, loading or servicing and shall be planted and maintained as a landscaped buffer.
 - 3. *Screening:* Where a lot in this district abuts a residential lot on the rear lot line without an intervening street, opaque fencing or screening not less than six (6) feet in height shall be provided and maintained in slightly condition (see section 16-26.008).

(5) *Development controls:*

- a. *Bulk limitations:*

For Property Located East of Interstate 75/85: For nonresidential use (new construction), floor area shall not exceed an amount equal to 2.0 times net lot area. Residential use ratios are established for sector 3 as shown on Table 1, section 16-08.007.

For Property Located West of Interstate 75/85: (i) For nonresidential uses, floor area shall not exceed an amount equal to 2.5 times net lot area. (ii) For residential uses, floor area shall not exceed an amount equal to 2.5 times gross lot area as indicated on Table I, "Land Use Intensity Ratios" (see section 16-08.007). (iii) For mixed use, floor area shall not exceed an amount equal to 3.5 times gross lot area, but in no event greater than the maximum ratios permitted for nonresidential (i) and residential (ii) above.

- b. *Minimum lot width, area, all uses:* No fixed minimum lot widths or areas are established except for religious facilities which shall require a minimum net lot of one (1) acre except by special exception through the AUDC.
- c. *Minimum yard requirements:* All front, rear and side yards for this subarea shall be established on a block-by-block basis through the compatibility rule. A variance of five (5) percent shall be permitted for new construction unless the AUDC shall determine strict compatibility for storefront is necessary.
- d. *Pedestrian circulation requirement:* In that part of subarea 4 which lies within the limitation of the pedestrian space plan, the developer shall comply with the pedestrian space plan in cases of new development where it does not unduly affect the historical character of the subarea.

- (6) *Off-street parking:* Off-street parking in this subarea shall not be required. Design of parking facilities as part of renovation of new construction shall require a certificate of appropriateness by the AUDC (see section 16-11.010).

- (7) *Fences and walls:* All fences and walls in required yards and transitional yards shall require a certificate of appropriateness by the AUDC.

Sec. 16-20C.008. Edgewood Commercial District Subarea 5.

In addition to the general regulations required in section 16-20C.003, the following regulations shall apply to any new development, rehabilitation or the conversion of any existing structures to permitted uses within the Edgewood Commercial District subarea.

These regulations are intended to preserve those commercial structures along Edgewood Avenue that are architecturally compatible with the historic character of the Martin Luther King, Jr. Landmark District, and to ensure that future development shall proceed in a manner compatible with the character of the subarea as a modest-scale commercial district, and also compatible with the character of the Martin Luther King, Jr. Landmark District as a whole.

(1) *Permitted principal uses:*

- a. Banks, savings and loan associations, and similar financial institutions.
- b. Business or commercial schools.
- c. Business service establishments, including those providing duplicating, printing, maintenance, communications, addressing, mailing, bookkeeping, or guard services.
- d. Churches, synagogues, temples and other religious worship facilities, on lots of one (1) acre or more.
- e. Clubs and lodges.
- f. Commercial recreation establishments, including theaters, convention halls, places of assembly and similar uses, with primary activities conducted within fully enclosed buildings.
- g. Dormitories, fraternities, sororities.
- h. Eating and drinking establishments.
- i. Hospitals.
- j. Hotels and motels, rooming houses, boardinghouses.
- k. Laundry and dry cleaning, collection stations or plants, limited to no more than 5000 square feet floor area; laundry and dry cleaning where equipment is operated by customers.
- l. Manufacturing, wholesaling, repairing, compounding, assembly, processing, preparation, packaging or treatment of articles, foods, components, products, clothing, machines and appliances and the like, where character of operations, emissions and by-products do not create adverse effects beyond the boundaries of the property. Use of heavy drop hammers, punch presses or other machinery, or processing methods creating excessive noise or vibration is prohibited in this district. Storage of materials and equipment shall not be visible from the street and shall be buffered from adjoining residential property.
- m. Multifamily, two-family and single-family dwellings.
- n. Offices, clinics, including veterinary if animals are kept in sound-proofed buildings, laboratories and studios.
- o. Parking lots and structures.

- p. Repair establishments for home appliances, bicycles, lawn mowers.
- q. Retail establishments, including catering establishments, delicatessens and bakeries without wholesale operations.
- r. Service stations.
- s. Structures and uses required for operation of MARTA or a public utility, but not including uses involving storage, train yards, switching or maintenance shop as primary purpose.
- t. Tailoring, custom dressmaking, millinery and similar establishments limited to not more than 5000 square feet in area.
- u. Trade schools, colleges and universities.

No use or manner of operation shall be permitted which is obnoxious or offensive by reason of odor, smoke, noise, glare, fumes, gas, vibration, unusual danger of fire or explosion, emission of particulate matter or interference with radio or television reception, or for other reasons is incompatible with the character of the subarea or HC district as a whole.

- (2) *Permitted accessory uses and structures:* Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures, to include devices for generation of energy such as solar panels, and other devices such as satellite discs. Except as otherwise herein provided, no merchandise shall be stored other than that to be sold at retail on the premises; and no storage for such merchandise shall occupy more than 40 percent of the floor area on the premises. No off-premises storage of such merchandise shall be permitted in the district as either a principal or accessory use.
- (3) *Special permits:*
 - a. The following uses shall require a special exception to be granted by the AUDC and considered in accordance with chapter 25 of this part.
 - 1. Mortuaries, funeral homes.
 - 2. Poolrooms, billiard parlors, amusement arcades.
 - 3. Churches, synagogues, temples and other religious worship facilities where lot area is less than one (1) acre.
 - b. *Administrative permits:* Temporary commercial activities may be permitted through the procedures for administrative permits stipulated in chapter 25 of this part, except that such authority shall be vested in the executive director of the AUDC.
 - c. The following uses shall require a special use permit to be granted by the city council and approved by the mayor and considered in accordance with chapter 25 of this part:
 - 1. Congregate care homes.
- (4) *Transitional requirements:*
 - a. *Transitional height planes:* Where this subarea adjoins a residential use without an intervening street, height within the district shall be limited as follows: No portion of any structure shall protrude through a height-limiting plane beginning 35 feet above the buildable area boundary nearest to the common district boundary and extending inward over this district at an angle of 45 degrees.
 - b. *Transitional yards:*

1. *Side yard:* Adjacent to a residential use without an intervening street, 20 feet is required which shall not be used for the purpose of parking, paving, loading, servicing or storage activity and shall be planted and maintained as a landscaped buffer.
 2. *Rear yard:* There shall be a rear yard of 20 feet when adjacent to a residential use that shall not be used for parking, paving, loading or servicing and shall be planted and maintained as a landscaped buffer.
 3. *Screening:* Where a lot in this district abuts a residential lot on the rear lot line without an intervening street, opaque fencing or screening not less than six (6) feet in height shall be provided and maintained in a sightly condition (see section 16-28.008).
- (5) *Development controls:*
- a. *Bulk limitations:* For nonresidential use (new construction), floor area shall not exceed an amount equal to 2.0 times net lot area. Multifamily use or new construction shall be allowed up to the maximum ratios established for sector 3 shown on Table I, section 16-08.007.
 - b. *Minimum lot width, area, all uses:* No fixed minimum lot widths or acres are established except for religious facilities which shall require a minimum net lot of one (1) acre except by special exception through AUDC.
 - c. *Minimum yard requirements:* All front, rear and side yards for this subarea shall be established on a block-by-block basis through the compatibility rule. A variance of five (5) percent shall be permitted for new construction unless the AUDC shall determine strict compatibility for store fronts is necessary.
 - d. *Pedestrian circulation requirements:* In that part of subarea 5 which lies with the limitation of the pedestrian space plan, development shall comply with the pedestrian space plan in cases of new development where it does not unduly affect the historical character of the subarea.
- (6) *Off-street parking:* Off-street parking in this subarea shall not be required. Design of parking facilities as part of renovation or new construction shall require a certificate of appropriateness by the AUDC.
- (7) *Fences and walls:* All fences and walls in required yards and transitional yards shall require a certificate of appropriateness by the AUDC.

Sec. 16-20C.009. Transitional Zone Subarea 6.

- (1) In accordance with section 16-20.004(b) of this part, the requirements of sector HC20C Martin Luther King, Jr. Landmark District for those properties identified on the attached map as being within the Transitional Zone (Subarea 6) shall serve to modify the requirements, regulations and procedures applying in the existing zoning districts or districts hereinafter created.

Properties identified as being within the Transitional Zone (Subarea 6) shall remain zoned in whichever district they are designated at the time of adoption of this chapter by action of the city council.

The existing district regulations as they now exist, or as they may be subsequently changed, are hereby modified so as to provide the following additional regulation for properties in this subarea.

- a. Any application for building permits, zoning amendments, special use permits, special exceptions and variances within Transitional Zone (Subarea 6) of sector HC20C, Martin Luther King, Jr. Landmark District, shall be submitted to the AUDC for review and report prior to any final action on such application.
- b. General advertising signs shall not be permitted in the Transitional Zone (Subarea 6).

- (2) These regulations are intended to control the potential for adverse impact resulting from redevelopment in the periphery of the Landmark District. To this end the AUDC shall undertake a design review of all new construction and such other actions as are outlined in paragraph (1) above.